

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

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In re:	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	:	Case No. 08-35653-KRH
	:	
	:	Jointly Administered
Debtors.	:	
-----X		

**RESPONSE OF ALEXANDER H. BOBINSKI AS TRUSTEE  
UNDER TRUST NO. 001 TO THE LIQUIDATING TRUST'S  
EIGHTH OMNIBUS OBJECTION TO LANDLORD CLAIMS  
(REDUCTION OF CERTAIN PARTIALLY INVALID CLAIMS,  
RECLASSIFICATION OF CERTAIN MISCLASSIFIED CLAIMS,  
DISALLOWANCE OF CERTAIN LATE FILED CLAIMS, AND  
DISALLOWANCE OF CERTAIN AMENDED CLAIMS)**

Alexander H. Bobinski, as Trustee under Trust no. 001 ("Bobinski"), hereby responds to the Liquidating Trust's Eighth Omnibus Objection to Landlord Claims (reduction of certain partially invalid claims, reclassification of certain misclassified claims, disallowance of certain late filed claims, and disallowance of certain amended claims) (the "Eighth Omnibus Objection") (at docket no. 10046), as follows:

**A. Claim 14248**

1. Bobinski prepared and filed a proof of claim for administrative expenses that was numbered 14248 ("Claim 14248"), which claim seeks reimbursement of \$572,206.22 in

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Trust No. 001

administrative expenses incurred by Bobinski. Claim 14248 was filed timely by Bobinski on June 30, 2009.

2. Exhibit C to the Eighth Omnibus Objection explains that the Trustee seeks to reduce Claim 14248 by \$502.37 for attorneys' fees, \$787.75 for post-petition taxes, \$183,600 for leasing fees, and \$343,548.66 of damage repairs (the "Damage Repairs"). Bobinski opposes the reduction of Claim 14248 by the amount of the Damage Repairs. All other reductions to Claim 14248 sought by the Eighth Omnibus Objection are not contested by Bobinski.

3. In support of the Damage Repair claims asserted by Bobinski in Claim 14248, Exhibits A-R are attached hereto. These exhibits contain invoices and estimates of repairs that must be performed at Circuit City Store no. 3289 before the space may be released. This evidence was submitted to Bobinski by independent entities for purposes of ascertaining the cost to repair of the damage caused by the debtor-in-possession during its post-petition business operations at Circuit City Store No. 3289.

4. Exhibit S contains estimates of costs for additional necessary repairs for former Circuit City Store No. 3289. Exhibit S contains the estimates provided by Alexander H. Bobinski.

5. Exhibit T contains the statement of Ms. Ann Grey regarding the timing of the damages claimed herein by Alexander H. Bobinski.

6. In sum, Bobinski opposes and disputes the disallowance of Claim 14248 for the amounts asserted as Damage Repairs for the reasons stated herein and based on the exhibits attached hereto.

**B. Claim no. 12498**

7. Bobinski prepared and filed a proof of claim for general unsecured amounts owed that was numbered 12498 (“Claim 12498”), which claim seeks reimbursement of \$743,955.58 of general unsecured amounts due to Bobinski. Claim 14248 was filed timely by Bobinski on April 27, 2009.

8. Exhibit C to the Eighth Omnibus Objection explains that the Trustee seeks to reduce Claim 12498 pursuant to the Debtor’s books and records by \$26,055.43 for stub rent (which is reportedly (though not actually) addressed in the debtor’s objection to claim no. 14248), \$124,653.70 for rejection damages (the “Rejection Damages”), \$18,91.37 for pre-petition taxes, \$4,745.69 for attorneys’ fees (“Attorneys’ Fees”), and \$7,950.31 for post-petition taxes. These objections result in a reduction of Claim 12498 to \$578,648.08.

9. It is unclear what the Trustee is disputing in the claim based his limited statement in opposition to the Rejection Damages and Attorneys’ Fees claimed on Claim 12498 in the Eighth Omnibus Objection.

10. Bobinski specifically disputes and opposes the disallowance of Claim 12498. Bobinski requests further explanation from the Trustee with regard to the requested reduction of Rejection Damages and Attorneys’ Fees aspects of Claim 12498.

WHEREFORE, Bobinski respectfully requests that the Court enter an order scheduling a hearing on the Eighth Omnibus Objection’s treatment of Claim 14248 and Claim 12498; allowing Bobinski’s Claim 14248 and Claim 12498 as requested herein; and for such other and further relief as the Court may deem proper and just under the circumstances.

Dated: April 5, 2011

**CHRISTIAN & BARTON, LLP**

/s/ Jennifer M. McLemore

Augustus C. Epps, Jr., Esquire (VSB No. 13254)  
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Counsel for Alexander H. Bobinski, Trustee of  
Trust No 001

**CERTIFICATE OF SERVICE**

I, Jennifer M. McLemore, hereby certify that on the 5<sup>th</sup> day of April 2011, a true and correct copy of the foregoing Response has been served electronically using the ECF system on all registered users of the CM/ECF system who have filed notices of appearance in this matter.

/s/ Jennifer M. McLemore

Jennifer M. McLemore

1138613

**BUILDING SINCE 1972**

ALEXANDER H. BOBINSKI  
PRESIDENT

1351 N. COURTENAY PKWY, SUITE AA  
MERRITT ISLAND, FL 32953

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STATE CERTIFIED GENERAL CONTRACTOR  
CGC017785

Galleria Partnership  
Samir El Kabani  
1725 S. Tropical Trail  
Merritt Island, Fl. 32952

June 22, 2009

Re: Circuit City #3289 Merritt Island, Fl. Proposal for Damage Repairs

Dear Dr. Kabani,

This is our estimate of the costs to make the repairs on the Circuit City #3289 Building.

Building repairs and damages:

- Locksmith, keys	\$ 449.63 (Exhibit A)
- Ext. trash, copies, misc.	\$ 749.10 (Exhibit B)
- Fire sprinkler Inspections, due 2/09	814.38 (Exhibit C)
- Fire sprinkler repairs Actual \$1,767.16	1,500.00 (Exhibit D)
- Fire alarm inspections, due 2/09	1,127.50 (Exhibit E)
- Shutters	426.00 (Exhibit F)
- Elevator inoperable, repairs	2,199.70 (Exhibit G)
- Exit signs, fire extinguishers, repairs	740.18 (Exhibit H)
- Dumpster rental, dump fees	2,750.00 (Affidavit) (Exhibit S)
- Equipment rentals	2,000.00 (Affidavit) (Exhibit S)
- Demolition, haul-off @9,500	11,400.00 (Exhibit I)
- Parking lot repairs	9,040.00 (Exhibit J)
- Electrical repairs, bulbs, cut wires	36,893.00 (Exhibit K)
- Electrical contingency	7,380.00 (Affidavit) (Exhibit S)
- Acoustic ceiling repairs	1,285.00 (Exhibit L)
- Overhead door repairs	257.00 (Exhibit M)
- Lawn sprinkler controller, heads, and interior bollards damaged	1,950.00 (Affidavit) (Exhibit S)
- Wall crash rails removed, replace	1,780.00 (Affidavit) (Exhibit S)
- Exterior metal stairs removed, replace	6,900.00 (Affidavit) (Exhibit S)




**HONEYMOON HILL CONSTRUCTORS**

BUILDING SINCE 1972

- Gutters and downspouts damaged	1,600.00(Affidavit)(Exhibit S)
- Sump pump replace	1,500.00(Affidavit)(Exhibit S)
- Repair and replace damaged interior doors, replace roof door	\$ 5,400.00(Exhibit N)
- Cut bolts at warehouse, repair	\$ 1,500.00(Affidavit)(Exhibit S)
- Vinyl cove missing, damaged	\$ 750.00(Affidavit)(Exhibit S)
- Remove and replace missing and damaged carpet flooring, original style no longer manufactured	\$75,460.00 (Exhibit O)
- Remove and replace damaged faucets, toilet valves, drinking fountains	\$ 4,830.00(Affidavit)(Exhibit S)
- Drywall damaged, holes punched, various areas, patch or replace	\$10,315.00(Exhibit P)
- Slatwalls removed, workbench, replace	\$ 5,340.00(Affidavit)(Exhibit S)
- Painting interior sections and exterior areas at damages, remove peeling and defaced wallpaper	\$69,750.00 (Exhibit Q)
- Roof piping severely rusted	\$ 1,950.00(Affidavit)(Exhibit S)
- A/C system repairs and damages	\$ 7,615.00(Exhibit R)
- Final cleaning	\$ 3,500.00(Affidavit)(Exhibit S)
- Supervision and administration to date	\$ 7,139.06(Affidavit)(Exhibit S)
- Overhead and profit	\$57,258.11(Affidavit)(Exhibit S)
Total	\$343,548.66

If you have questions, please feel free to call me at 321-452-4552.

Sincerely,



Alexander H. Bobinski  
President